

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIFE STYLE FUTON, INC., and EASY FIT, INC.,

Plaintiffs,

v.

EASYFIT SLIPCOVER, LTD., ILYASS ET TAHIRI,
TUCOWS, INC., TUCOWS.COM CO., and
CABREXA, LLC, and the domain names:
www.easyfitcover.com, www.easyfitslipcover.com,
and www.easyfitslipcover.co, in Rem.

Defendants.

Case No: 1:21-cv-1482-GHW

**DECLARATION OF JOHN B. BERRYHILL IN SUPPORT OF
TUCOWS' OPPOSITION TO A PRELIMINARY INJUNCTION**

I, John B. Berryhill, declare as follows:

1. I am an attorney duly licensed in the Commonwealth of Pennsylvania and am counsel to Defendants Tucows Inc. and Tucows.com Co.
2. I submit this declaration in support of Tucows's Opposition to Plaintiff's Motion for a Preliminary Injunction.
3. On March 15, 2021, I conducted a search of the United States Patent and Trademark Office Trademark Electronic Search System (TESS) "basic index" of "live" (i.e. pending or registered) applications and registrations corresponding to "easy fit". A "basic index" search is a search of the verbal content of registered marks or pending applications which is designed to take into account variations in spelling and punctuation.
4. Attached as **Exhibit 1** is a true and correct copy of the search results obtained from TESS, showing 71 pending and registered marks comprising the term "EASY FIT" and variations thereof such as "EZ FIT", "E-Z FIT" and other variations that can be seen in Exhibit A.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in New Castle County, Delaware on March 15, 2021.

A handwritten signature in black ink, appearing to read 'JB', is written over a horizontal line.

John B. Berryhill
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